

## REMARKS

Claims 1-27, 34-38 and 43-48 are pending. Claims 1-27 and 34-38 are allowed. Claims 28-33 and 39-42 are canceled. No Claims have been amended. Applicant requests reconsideration and reexamination of the pending non-allowed claims.

Applicants gratefully acknowledge the allowance of Claims 1-27 and 34-38.

Claims 28-33 and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Jiang et al. (USPN 5,757,741).

Claims 28-33 are canceled.

Claim 43 sets forth, *inter alia*, first optics and "second optics configured to deliver light reflected from said data medium to a first photodetector array and second photodetector array, said light delivered from said second optics split into a first beam having a first focal point received by said first photodetector array and a second beam having a second focal point received by said second photodetector array." Applicant could find no teaching or suggestion in Jiang et al. of first and second optics where the second optics split the light into a first beam having a first focal point received by the first photodetector array and a second beam having a second focal point received by the second photodetector array.

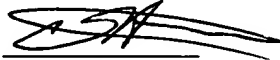
In contrast, Jiang et al. discloses that "the laser beam passes through grating pattern 66 on hologram optical element 65 which splits the main laser beam into three beams passing through the lower surface of hologram optical element 65. The three beams are focused on the compact disk by hologram area 67. Each reflected beam from the compact disk reflective surface is detected on the pair of photodetectors 63." (col. 8, lines 25-32, emphasis added) This disclosure in Jiang et al. does not teach or suggest second optics to split the light into a first beam having a first focal point received by the first photodetector array and a second beam having a second focal point received by the second photodetector array. Instead, Jiang et al. discloses that each reflected beam from the compact disk reflective surface is detected on the pair of photodetectors. Since Claim 43 is neither taught or suggested by Jiang et al., Claim 43 is allowable over the reference.

Claims 44-48 depend from Claim 43 and are therefore allowable for at least the same reasons as Claim 43.

## CONCLUSION

For the above reasons, pending Claims 1-27, 34-38 and 43-48 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on May 10, 2004.



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5/10/2004

Respectfully submitted,



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